

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

NOVEMBER 3, 2014

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Ms. Alves arrived a little later. Also in attendance were Town Administrator Hamilton and Town Solicitor Lombardi.

ENGINEERING SERVICES PROPOSAL FOR SEWER ORDINANCE

Mr. Flaherty announced that this would not be discussed this evening.

ORDINANCE AMENDMENT RE: ONE-WAY STREET (MOWRY ROAD)

This ordinance is based on the request of a town resident who has a concern with vehicles turning onto Mowry Road from Route 7 at high speeds. In addition, the road narrows to less than twenty feet in width just west of the intersection, restricting the space for pedestrians and for opposing vehicles to maneuver past each other.

Mr. Zwolenski asked if he could see the reports from the RI Department of Transportation and the North Smithfield Police Department.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 0

on a roll call vote to continue the public hearing to November 17, 2014.

MOTION by Mr. Flaherty and seconded by Mr. McGee to consider this the first reading.

Roll call: Mr. McGee - yes; Mr. Yazbak - no; Mr. Zwolenski - no; and Mr. Flaherty - yes. The motion failed 2 to 2.

MOTION by Mr. Flaherty, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to continue the first reading to November 17, 2014.

CONSENT AGENDA

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to remove the payment of bills.

MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted 4 to 0 on an aye vote to approve the following: 1.) Town Council minutes of August 18 and September 2, 2014; 2.) Conservation Commission minutes for April 10 and August 12, 2014; 3.) Historic District Commission minutes for July 28 and August 25, 2014; 4.) Sewer Commission minutes for June 18, 2014; 5) Animal Control monthly report for September 2014; 6.) NSF&RS Inc. monthly report for September 2014; 7.) NS Police Department monthly report for September 2014; 8.) NS Municipal Court monthly report for September 2014; and 9.) Resolution Re: Brown University Employees

from the Town of Gloucester.

(Ms. Alves arrived at 7:11 P.M.)

Payment of Bills

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 (Ms. Alves and Mr. Yazbak recused) on a roll call vote to approve payment of the following: General Fund - \$739,909.34; Sewer - \$978,078.76; Water - \$67,146.62; School Department - \$1,553,518.58; and Fire Department - \$195,147.00 for a total of \$2,028,164.26 based upon the recommendation of the Town Administrator.

Because Mr. Zwolenski inadvertently gave the wrong date for the bills, MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 on a roll call vote to reconsider the prior vote on the payment of bills.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 (Ms. Alves and Mr. Yazbak recused) on a roll call vote to approve payment of the bills listed for November 3, 2014.

BROOKSIDE EQUESTRIAN CENTER SOLAR PROJECT

Mr. Flaherty recused from this discussion.

New Energy Equity is requesting permission to enter into a contractual agreement with the Town to exempt 70 percent of the real

estate property value of the Project in Year 1. This is a 1.25MW solar project and the exemption will result in a tax yield of \$10,662 per year until the actual value of the property yields a lower tax. The property is being leased from Brookside Equestrian Center located on Tifft Road.

Ian Palmer, CEO of New Energy Equity, explained the company's payback for the project is over twenty years. He is seeking an economic adjustment to the normal tax rate that the property would pay with the solar improvement. Mr. Palmer believed this will assist Brookside Equestrian to remain viable. In addition, local contractors will be hired.

Mr. Yazbak's issue is that electricity is being generated but not consumed on site and a 70 percent discount is being sought. In his opinion that is not fair to the other business taxpayers in town.

Mr. Palmer added that although it is not going into transmission lines and out to Ohio, it is going into the local distribution grid and will be used in North Smithfield.

Mrs. Spinella, owner of the property, noted this is a temporary use of the land. Once the project is over, it reverts to what it was. It also provides her with a little bit of income that will enable her to continue to run the farm.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to table the request.

NEXTSUN ENERGY SOLAR PROJECT AT BRANCH VILLAGE

NextSun Energy has been developing a solar project for the Branch River Industrial Park. It was awarded a contract to sell the power generated by the system to National Grid for fifteen years and has fully permitted the project with both the Planning Board and the Zoning Board. The project has a 30-year useful life and will sell fifty percent of the power at a discount to the Brickle group and other tenants of the Branch Village industrial complex. NextSun is asking for an 84 percent exemption on the 850kw Renewable Energy Facility in Year 1, which yields a tax payment of \$4,000. The exemption each subsequent year should be so that the maximum tax payment will not exceed \$4,000.

It was also noted there is an Environmental Use Restriction on the property, further limiting the uses of any other development of the property as a whole in the manufacturing zone.

MOTION by Mr. Zwolenski and seconded by Mr. Yazbak to authorize the Town Administrator to sign the agreement on the request for tax exemption by NextSun Energy LLC.

After comments made by Mr. Lombardi, the motion and the second were withdrawn.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 5 to 0 on a roll call vote to authorize the Town Administrator to sign a contract with NextSun Energy LLC, authorized under Code of Ordinances Section 6-3.12 with the following conditions: 1.) There will be an exemption of 84 percent in the first year. In future years, the exemption shall be the value of the amount that creates a tax over \$4,000. If the tax is less than the maximum amount, the actual tax shall be paid; 2.) Upon agreement, the basis of the depreciation of the equipment for Town tax purposes shall be its useful life of thirty years; 3.) The authorization shall be specific to this property and project. If the equipment is moved off the property identified, the agreement can be voided by the Town Council; 4.) This agreement shall have no effect on the real estate taxes paid on the real property.

ADDITIONAL DEFERRALS FOR SEWER TIE-INS - Ms. Morris & Ms. Hagan

In August and October of 2010 the Sewer Commission granted five-year deferrals from tying into the town sewer line and paying access and assessment fees to Ms. Amey Morris and Ms. Kim Hagan. In September of 2014 the Sewer Commission granted each of them an additional four-year deferral from tying into the sewer line; however, the deferral for fees must be approved by the Town Council. Both women have recently had new septic systems installed because they had been told sewers would not be coming to their area. The cost of now having to connect to the sewer system would be extremely

burdensome.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on a roll call vote to grant an extension of four years to Ms. Amey Morris based upon the recommendation of the Sewer Commission.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, Ms. Alves and Mr. McGee, and voted unanimously on a roll call vote to grant a four-year extension to Ms. Kimberly Hagan based upon the recommendation of the Sewer Commission.

Mr. Yazbak believed that assessment fees would still have to be paid but not the user fees.

PUBLIC HEARING ON CONTRACT AGREEMENT WITH RI COUNCIL 94, AFSCME, AFL-CIO LOCAL 937

Ms. Hamilton pointed out some of the changes to the proposed contract such as reimbursement for clothing purchases requires receipts, replacement glasses from no limit to once per fiscal year, no changes in longevity pay from 2011 to 2017, health care co-pay increases from five percent to six, seven and eight percent with no cap, the health insurance buy back for a family plan decreases from \$5,000 to \$2,500 and for a single plan decreases from \$2,000 to \$1,000, health and dental coverage that is currently paid for twenty years for retirees up to age 65 is reduced to five years, requirements

of the Family Medical Leave Act provide that the employee must use up any vacation, sick or personal time available to him/her until he/she is fully discharged, compensatory time is reduced from 90 hours to 66 hours cumulatively, and bereavement time is from the date of death to the date of burial (five working days).

Ms. Hamilton, Mr. Flaherty, Mr. McGee and Mr. Zwolenski all commented on the compensation levels for union as well as non-union employees, noting that they are consistently near the bottom of the list compared to other cities and towns.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to close the public hearing.

The vote was scheduled for November 17, 2014.

SLATERSVILLE HISTORIC DISTRICT

Mr. Flaherty and Mr. Yazbak recused from this discussion as both own property in the district.

Town Planner Robert Ericson noted the map remains unchanged except for the 2018 sunset date, which the Council could decide to change to another date.

Mr. Eric Piette, a member of the Historic District Commission, commented that the entire commission was in favor of extending the

sunset date, taking into consideration the feelings of the residents within the district.

Mr. Ericson noted that should the Congregational Church decide at a later date that it wishes to be included in the district, it may do so or if someone wanted to be removed from the district, he could petition the Council to do so. He also noted that should this Council extend the sunset date in perpetuity, a future Council could rescind that option.

Mr. Flaherty, speaking as a resident, addressed the cost associated with advertising this historic district continuation every two years and suggested making it four or eight years if the Council did not want to have it in perpetuity.

Mrs. Elizabeth Martin, a resident of the district as well as a Historic District Commission member, concurred with Mr. Flaherty.

MOTION by Mr. Zwolenski and seconded by Mr. McGee to close the public hearing but because additional information could be forthcoming the motion and second were withdrawn.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 on a roll call vote to continue the matter to November 17, 2014.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0

on a roll call vote to consider this the first reading.

TAX ABATEMENTS

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve the abatements in the amount of \$12,581.93 as presented.

FUNDING REQUEST FOR PROPOSAL FOR ENGINEERING DESIGN AT BRANCH VILLAGE

Mr. Flaherty explained that the town would have a better chance of making the state's Transportation Improvement Program if the town paid for some of the engineering design costs up front.

MOTION by Mr. Flaherty, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to encumber \$83,800 from the Contingency Infrastructure account for the RFP as previously discussed and as identified in our resolution of August 4, 2014.

AWARD OF BID – POLICE VEHICLES

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to approve the purchase of two 2015 Ford Interceptors from MHQ in the amount of \$66,800.00.

AWARD OF BID – SCHOOL DEPARTMENT PICKUP TRUCK WITH PLOW

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted

unanimously on a roll call vote to approve the purchase of a one-ton pickup truck with plow from Tasca Ford in the amount of \$30,546.00.

AWARD OF BID – CRACK SEALING

MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted unanimously on a roll call vote to piggyback on the State Master Plan Bid for the purchase of crack sealing from SealCoating, Inc. at a cost of \$.26 LF, not to exceed \$25,000, based upon the recommendations of the Department of Public Works Director and the administration.

AWARD OF BID – UNION VILLAGE INTERCEPTOR CLEANING

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to award the bid to Veolia Water in the amount of \$24,992.00 based upon the recommendations of the Town Administrator, the Finance Director, the Director of Public Works and the Superintendent of Water and Sewer.

AWARD OF BID – ROAD SALT

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to approve the purchase of road salt from International Salt Company using the State of Rhode Island Master Price Agreement at a cost not to exceed \$56.12 per ton based upon the recommendations of the Director of Public Works and the Town Administrator.

SUBMITTAL OF WRITTEN PLANS CORRESPONDING TO FINAL FACILITIES PLAN

Mr. Flaherty submitted “Exhibit B” as part of the latest plan adopted by the Town Council on October 6, 2014.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 (Mr. Yazbak voted no) on a roll call vote to submit “Exhibit B” as it pertains to the Facilities Plan to the Town Clerk.

EMERGENCY GENERATOR REPAIRS

Public Works Director Raymond Pendergast explained that the generator located at the Police/Annex building is in need of repair.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve repairs to the generator by Power Equipment Company in the amount of \$9,195.94, with funding to come from the regular contingency account.

SALE OF SURPLUS ITEMS

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to release the surplus equipment as presented. The total collected, \$4,750.10, will be deposited into the General Fund Miscellaneous Receipts account.

EXTENSION OF TOWN ELECTRIC CONTRACT

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted

unanimously on a roll call vote to extend this contract with Direct Energy for two years at a cost of \$9.67 per kw hour.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 9:05 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk